

HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL GARCIA HERNANDEZ,

Defendant.

NO. CR24-87RSM

**ORDER GRANTING MOTION
TO CONTINUE TRIAL DATE
AND EXTEND MOTIONS DEADLINE**

THIS MATTER comes before the Court on the motion, docket no. 26, for continuing trial date and motions deadline, filed by attorney Michael Austin Stewart on September 23, 2024. THE COURT has considered the motion and the facts and circumstances described therein, which are hereby incorporated as findings of act, and finds that:

- (a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and
- (b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and
- (c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

(d) the case is sufficiently complex that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the current trial schedule, as set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

(e) the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

(f) the additional time requested between the current trial date of September 27, 2022, and the new trial date is necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial, all of the facts set forth above; and

(g) that the period of delay from the date of this motion to the new trial date is excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

IT IS THEREFORE ORDERED that the trial date in this matter shall be continued to March 10, 2025 and that pretrial motions shall be filed no later than January 6, 2025.

The Clerk is directed to send a copy of this Order to all counsel of record.

Dated this 24th day of September, 2024.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Michael Austin Stewart

MICHAEL AUSTIN STEWART

Attorney for Defendant, WSBA #23981